

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 391

Citations Affected: IC 9-24.

Synopsis: Drivers' licenses. Proposed conference committee report for ESB 391. Adds provisions concerning licenses, permits, and identification cards for aliens lawfully admitted for temporary residence in the United States. Allows the bureau of motor vehicles to adopt rules concerning the renewal of licenses by mail or electronic service. Makes corresponding changes in related sections. **(This conference committee report deletes the contents of ESB 391 as printed April 15, 2009, and does the following: Adds provisions concerning licenses, permits, and identification cards for aliens lawfully admitted for temporary residence in the United States. Allows the bureau of motor vehicles to adopt rules concerning the renewal of licenses by mail or electronic service. Makes corresponding changes in related sections.)**

Effective: July 1, 2009.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 391 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 9-24-9-2.5, AS ADDED BY P.L.184-2007,
- 3 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2009]: Sec. 2.5. In addition to the information required from
- 5 the applicant for a license or permit under sections 1 and 2 of this
- 6 chapter, the bureau shall require an applicant to present to the bureau
- 7 valid documentary evidence that the applicant:
- 8 (1) is a citizen or national of the United States;
- 9 (2) is an alien lawfully admitted for permanent ~~or temporary~~
- 10 residence in the United States;
- 11 (3) has conditional permanent resident status in the United States;
- 12 (4) has an approved application for asylum in the United States or
- 13 has entered into the United States in refugee status;
- 14 (5) **is an alien lawfully admitted for temporary residence in**
- 15 **the United States;**
- 16 (6) has a valid unexpired nonimmigrant visa or nonimmigrant visa
- 17 status for entry into the United States;
- 18 ~~(6)~~ (7) has a pending application for asylum in the United States;
- 19 ~~(7)~~ (8) has a pending or approved application for temporary
- 20 protected status in the United States;
- 21 ~~(8)~~ (9) has approved deferred action status; or
- 22 ~~(9)~~ (10) has a pending application for adjustment of status to that

1 of an alien lawfully admitted for permanent residence in the
 2 United States or conditional permanent resident status in the
 3 United States.

4 SECTION 2. IC 9-24-11-3, AS AMENDED BY P.L.184-2007,
 5 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2009]: Sec. 3. (a) A license issued to an individual less than
 7 eighteen (18) years of age is a probationary license.

8 (b) An individual holds a probationary license subject to the
 9 following conditions:

10 (1) Except as provided in IC 31-37-3, the individual may not
 11 operate a motor vehicle during the curfew hours specified in
 12 IC 31-37-3-2.

13 (2) During the ninety (90) days following the issuance of the
 14 probationary license, the individual may not operate a motor
 15 vehicle in which there are passengers unless another individual
 16 who:

17 (A) is at least twenty-one (21) years of age; and

18 (B) holds a valid operator's license issued under this article;
 19 is present in the front seat of the motor vehicle.

20 (3) The individual may operate a motor vehicle only if the
 21 individual and each occupant of the motor vehicle has a safety
 22 belt properly fastened about the occupant's body at all times when
 23 the motor vehicle is in motion.

24 (c) An individual who holds a probationary license issued under this
 25 section may receive an operator's license, a chauffeur's license, a public
 26 passenger chauffeur's license, or a commercial driver's license when the
 27 individual is at least eighteen (18) years of age.

28 (d) Except as provided in subsection (e), a probationary license
 29 issued under this section:

30 (1) expires at midnight of the twenty-first birthday of the holder;
 31 and

32 (2) may not be renewed.

33 (e) A probationary license issued under this section to an individual
 34 who complies with IC 9-24-9-2.5(5) through ~~IC 9-24-9-2.5(9)~~
 35 **IC 9-24-9-2.5(10)** expires:

36 (1) at midnight one (1) year after issuance if there is no expiration
 37 date on the authorization granted to the individual to remain in the
 38 United States; or

39 (2) if there is an expiration date on the authorization granted to
 40 the individual to remain in the United States, the earlier of the
 41 following:

42 (A) At midnight of the date the authorization to remain in the
 43 United States expires.

44 (B) At midnight of the twenty-first birthday of the holder.

45 SECTION 3. IC 9-24-11-5, AS AMENDED BY P.L.184-2007,
 46 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 47 JULY 1, 2009]: Sec. 5. (a) Except as provided in subsection (i), a
 48 permit or license issued under this chapter must contain the following
 49 information:

50 (1) The full legal name of the permittee or licensee.

51 (2) The date of birth of the permittee or licensee.

- 1 (3) The address of the principal residence of the permittee or
2 licensee.
- 3 (4) The hair color and eye color of the permittee or licensee.
- 4 (5) The date of issue and expiration date of the permit or license.
- 5 (6) The gender of the permittee or licensee.
- 6 (7) The unique identifying number of the permit or license.
- 7 (8) The weight of the permittee or licensee.
- 8 (9) The height of the permittee or licensee.
- 9 (10) A reproduction of the signature of the permittee or licensee.
- 10 (11) If the permittee or licensee is less than eighteen (18) years of
11 age at the time of issuance, the dates on which the permittee or
12 licensee will become:
 - 13 (A) eighteen (18) years of age; and
 - 14 (B) twenty-one (21) years of age.
- 15 (12) If the permittee or licensee is at least eighteen (18) years of
16 age but less than twenty-one (21) years of age at the time of
17 issuance, the date on which the permittee or licensee will become
18 twenty-one (21) years of age.
- 19 (13) Except as provided in subsection (b) or (c), a digital
20 photograph of the permittee or licensee.
- 21 (b) The following permits or licenses do not require a digital
22 photograph:
 - 23 (1) Temporary motorcycle learner's permit issued under
24 IC 9-24-8.
 - 25 (2) Motorcycle learner's permit issued under IC 9-24-8.
- 26 (c) The bureau may provide for the omission of a photograph or
27 computerized image from any other license or permit if there is good
28 cause for the omission. However, a license issued without a digital
29 photograph must include the language described in subsection (f).
- 30 (d) The information contained on the permit or license as required
31 by subsection (a)(11) or (a)(12) for a permittee or licensee who is less
32 than twenty-one (21) years of age at the time of issuance shall be
33 printed prominently on the permit or license.
- 34 (e) This subsection applies to a permit or license issued after
35 January 1, 2007. If the applicant for a permit or license submits
36 information to the bureau concerning the applicant's medical condition,
37 the bureau shall place an identifying symbol on the face of the permit
38 or license to indicate that the applicant has a medical condition of note.
39 The bureau shall include information on the permit or license that
40 briefly describes the medical condition of the holder of the permit or
41 license. The information must be printed in a manner that alerts a
42 person reading the permit or license to the existence of the medical
43 condition. The permittee or licensee is responsible for the accuracy of
44 the information concerning the medical condition submitted under this
45 subsection. The bureau shall inform an applicant that submission of
46 information under this subsection is voluntary.
- 47 (f) Any license or permit issued by the state that does not require a
48 digital photograph must include ~~the a~~ statement **"May that indicates**
49 **that the license or permit may** not be accepted by any federal agency
50 for federal identification or any other federal purpose.
- 51 (g) A license or permit issued by the state to an individual who:

- (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;
- (2) has a pending application for asylum in the United States;
- (3) has a pending or approved application for temporary protected status in the United States;
- (4) has approved deferred action status; or
- (5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary license or permit. A temporary license or permit issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the licensee's or permittee's temporary status has been extended.

(h) The bureau may adopt rules under IC 4-22-2 to carry out this section.

(i) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

SECTION 4. IC 9-24-12-4, AS AMENDED BY P.L.184-2007, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Except as provided in subsections (b) and (c), the application for renewal of:

- (1) an operator's license;
- (2) a motorcycle operator's license;
- (3) a chauffeur's license;
- (4) a public passenger chauffeur's license; or
- (5) an identification card;

under this article may be filed not more than twelve (12) months before the expiration date of the license or identification card held by the applicant.

(b) When the applicant complies with IC 9-24-9-2.5(5) through ~~IC 9-24-9-2.5(9)~~, **IC 9-24-9-2.5(10)**, an application for renewal of a driver's license in subsection (a)(1), (a)(2), (a)(3), or (a)(4) may be filed not more than one (1) month before the expiration date of the license held by the applicant.

(c) When the applicant complies with IC 9-24-16-3.5(1)(E) through ~~IC 9-24-16-3.5(1)(F)~~, **IC 9-24-16-3.5(1)(J)**, an application for renewal of an identification card in subsection (a)(5) may be filed not more than one (1) month before the expiration date of the identification card held by the applicant.

SECTION 5. IC 9-24-12-5, AS AMENDED BY P.L.156-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. **(a) Except as provided in subsection (b)**, an individual applying for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch and do the following:

(1) Pass an eyesight examination.

(2) Pass a written examination if:

(A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or

(B) the applicant holds a valid operator's license, has not reached the applicant's twenty-first birthday, and has active points on the applicant's driving record maintained by the bureau.

(b) The bureau may adopt rules under IC 4-22-2 concerning the ability of a holder of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license to renew the license by mail or by electronic service. If rules are adopted under this subsection, the rules must provide that an individual's renewal of a license by mail or by electronic service is subject to the following conditions:

(1) A valid computerized image of the individual must exist within the records of the bureau.

(2) The previous renewal of the individual's operator's, motorcycle operator's, chauffeur's, or public passenger chauffeur's license must not have been by mail or by electronic service.

(3) The application for or previous renewal of the individual's license must have included a test of the individual's eyesight approved by the bureau.

(4) If the individual were applying for the license renewal in person at a license branch, the individual would not be required under subsection (a)(2) to submit to a written examination.

(5) The individual must be a citizen of the United States, as shown in the records of the bureau.

(6) There must not have been any change in the:

(A) address; or

(B) name;

of the individual since the issuance or previous renewal of the individual's operator's, motorcycle operator's, chauffeur's, or public passenger chauffeur's license.

(7) The operator's, motorcycle operator's, chauffeur's, or public passenger chauffeur's license of the individual must not be:

(A) suspended; or

(B) expired;

at the time of the application for renewal.

(8) The individual must be less than seventy (70) years of age at the time of the application for renewal.

(c) An individual applying for the renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (b).

SECTION 6. IC 9-24-12-12, AS ADDED BY P.L.184-2007, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2009]: Sec. 12. (a) This section applies to a driver's license issued under:

- (1) IC 9-24-3;
- (2) IC 9-24-4;
- (3) IC 9-24-5; and
- (4) IC 9-24-8.

(b) A driver's license listed in subsection (a) that is issued after December 31, 2007, to an applicant who complies with IC 9-24-9-2.5(5) through ~~IC 9-24-9-2.5(9)~~ **IC 9-24-9-2.5(10)** expires:

- (1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or
- (2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:
 - (A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.
 - (B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 7. IC 9-24-16-3, AS AMENDED BY P.L.184-2007, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) Except as provided in subsection (g), the front side of an identification card must contain the expiration date of the identification card and the following information about the individual to whom the card is being issued:

- (1) Full legal name.
- (2) The address of the principal residence.
- (3) Date of birth.
- (4) Date of issue and date of expiration.
- (5) Unique identification number.
- (6) Gender.
- (7) Weight.
- (8) Height.
- (9) Color of eyes and hair.
- (10) Reproduction of the signature of the individual identified.
- (11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).
- (12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:
 - (A) eighteen (18) years of age; and
 - (B) twenty-one (21) years of age.
- (13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.
- (14) Digital photograph of the individual.

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than

twenty-one (21) years of age at the time of issuance shall be printed prominently on the permit or license.

(d) If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. The bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(e) An identification card issued by the state that does not require a digital photograph must include ~~the~~ a statement **"May that the identification card may** not be accepted by any federal agency for federal identification or any other federal purpose.

(f) An identification card issued by the state to an individual who:

- (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;
- (2) has a pending application for asylum in the United States;
- (3) has a pending or approved application for temporary protected status in the United States;
- (4) has approved deferred action status; or
- (5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary identification card. A temporary identification card issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the holder of the identification card's temporary status has been extended.

(g) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

SECTION 8. IC 9-24-16-3.5, AS ADDED BY P.L.184-2007, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. In addition to the information required for the applicant for an identification card under section 3 of this chapter, the bureau shall require an applicant to present to the bureau:

- (1) valid documentary evidence that the applicant:
 - (A) is a citizen or national of the United States;
 - (B) is an alien lawfully admitted for permanent ~~or temporary~~ residence in the United States;
 - (C) has conditional permanent resident status in the United States;

(D) has an approved application for asylum in the United States or has entered into the United States in refugee status;
(E) is an alien lawfully admitted for temporary residence in the United States;

~~(F)~~ (F) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

~~(G)~~ (G) has a pending application for asylum in the United States;

~~(H)~~ (H) has a pending or approved application for temporary protected status in the United States;

~~(I)~~ (I) has approved deferred action status; or

~~(J)~~ (J) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; and

(2) evidence of the Social Security number of the applicant. If federal law prohibits the issuance of a Social Security number to the applicant, the applicant must provide verification of the applicant's ineligibility to be issued a Social Security number.

SECTION 9. IC 9-24-16-4, AS AMENDED BY P.L.184-2007, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Except as provided in subsection (b), an identification card issued:

(1) before January 1, 2006, expires on the fourth birthday of the applicant following the date of issue; and

(2) after December 31, 2005, expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(b) An identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through ~~3.5(1)(F)~~ **3.5(1)(J)** of this chapter expires:

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.

(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 10. IC 9-24-16-5, AS AMENDED BY P.L.184-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) An application for renewal of an identification card may be made not more than twelve (12) months before the expiration date of the card. However, when the applicant complies with section 3.5(1)(E) through ~~3.5(1)(F)~~ **3.5(1)(J)** of this chapter, an application for renewal of an identification card may be filed not more than one (1) month before the expiration date of the identification card held by the applicant. A renewal application

- 1 received after the date of expiration is considered to be a new
 2 application.
- 3 (b) Except as provided in subsection (e), a renewed card issued:
 4 (1) before January 1, 2006, becomes valid on the birth date of the
 5 holder and remains valid for four (4) years; and
 6 (2) after December 31, 2005, is valid on the birth date of the
 7 holder and remains valid for six (6) years.
- 8 (c) If renewal has not been made within six (6) months after
 9 expiration, the bureau shall destroy all records pertaining to the former
 10 cardholder.
- 11 (d) Renewal may not be granted if the cardholder was issued a
 12 driver's license subsequent to the last issuance of an identification card.
- 13 (e) A renewed identification card issued under this article after
 14 December 31, 2007, to an applicant who complies with section
 15 3.5(1)(E) through ~~3.5(1)(F)~~ **3.5(1)(J)** of this chapter expires:
 16 (1) at midnight one (1) year after issuance, if there is no
 17 expiration date on the authorization granted to the individual to
 18 remain in the United States; or
 19 (2) if there is an expiration date on the authorization granted to
 20 the individual to remain in the United States, the earlier of the
 21 following:
 22 (A) At midnight of the date the authorization of the holder to
 23 be a legal permanent resident or conditional resident alien of
 24 the United States expires.
 25 (B) At midnight of the birthday of the holder that occurs six
 26 (6) years after the date of issuance.
- (Reference is to ESB 391 as reprinted April 15, 2009.)

Conference Committee Report
on
Engrossed Senate Bill 391

Signed by:

Senator Merritt
Chairperson

Representative Austin

Senator Rogers

Representative Soliday

Senate Conferees

House Conferees